

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/086,183 Confirmation No.: 8214
Applicant : Christer O. Andreasson
Filing Date : 02/26/2002
Title : SYSTEMS AND METHODS FOR TRACKING PHARMACEUTICALS
WITHIN A FACILITY
Group Art Unit : 2636
Examiner : Julie Bichngoc Lieu
Docket No. : 706737.38
Customer No. : 34313

Commissioner For Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

It is respectfully requested that the Examiner reconsider her rejection of Claims in the Office Action of November 2, 2006, and to rereview the previous response filed August 15, 2006. The current Chung published application is based on 10 priority filings as is shown on the face thereof, and obviously different parts of Chung have different dates. There clearly is nothing prior to the date of invention of January 5, 2001, that can be used to reject the present claims. The Examiner has used art that is not prior art.

In all due respect, and respectfully, it is believed that the Examiner has made an unfortunate mistake in making and continuing a rejection of the present claims and in her understanding of the Chung publication No. 2005/0110640 and, further, has completely overlooked the main import of the response of August 15, 2006. As was pointed out before, the disclosure in Chung (e.g., paragraphs 0041-0057, etc.)

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was first partially disclosed in the Chung provisional application No. 60/323,514 filed September 19, 2001, **long after January 5, 2001**, Applicants' date as established by the Declaration and Supplemental Declaration filed in this application. Chung just does not have any prior disclosure of the claimed subject matter.

The only disclosure before January 5, 2001, in any of the Chung priority applications is that in pages 8-10 (Exhibit A to the August 15, 2006, response) of Chung No. 60/248,454.. The undersigned has again reviewed the Chung priority documents and only found Chung '640 Fig. 1 to be first disclosed in Application No. 10/247,435 filed on September 19, 2002, and a hand drawn version of this Fig. 1 in Chung PCT/US 01/42563 filed on October 9, 2001. Yet, the Examiner continues to reference Figure 1, paragraphs 0041, 0040 and 0057 which clearly are not prior art.

A prima facie case rebutting the previous rejection by the Examiner was made in the response of August 15, 2006, and it appears that the Examiner has ignored the same. Clearly, no new issues are raised in the present response because the present response is only a further repeat of the August 15, 2006 response.

Turning again to Exhibit A attached to the August 15, 2006, response, the disclosure is of adding tags to prescriptions, a patient presenting such prescription with a proper tag to a pharmacist and the medications are then picked and labeled. The prescription drugs are then passed to the patient through an electronic reader gate and a comparison of the drug label is made with the prescription, and if wrong or missing an alarm will be made for correction. With respect to rejected Claim 55, there is absolutely no disclosure in Chung prior to the January 5, 2001, date established herein of (1) monitoring administration of a medical product, (2) to a patient, (3) accessing data associated with a patient, and (4) verifying that the patient is intended to receive the medical product by comparing the data obtained

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from the tag with data associated with the patient. There is no teaching nor hint of obtaining tag data when the product passes through an entrance to a patient's room, and there is no disclosure that the product is tracked along a transport path, all as contended by the Examiner.

With respect to the rejection of Claim 1, neither a reader associated with a plurality of medical products placed in close proximity to obtain data stored in the tags, nor the processor claimed are disclosed or made obvious. The proposed combination of the vary sketchy disclosure in Exhibit A with Hickie certainly does not disclose nor make obvious the subject matter of Claim 1 or any other claims.

With regard to the rejection of Claim 30, there is no disclosure, nor is it obvious, to place a plurality of medical products in close proximity to an RF antenna, using tags to obtain the data of the plurality of medical products, and identifying each of the medical products based on the data obtained. The front page Figure suggested by the Examiner is not found in Chung before January 5, 2001, nor is the combination with Hickie of the sketchy disclosure in Exhibit A appropriate. The same applies to Claim 39.

Applicants made a prima facie and strong factual rebuttal in the response of August 15, 2006, which the Examiner has ignored in using parts of Chang '640 that came well after January 5, 2001. No new issues are raised by the present response. If the Examiner disagrees in any manner, it is requested that she specifically point out the support for her rejection by identifying pages and Figures and dates of the Chung priority applications before January 5, 2001. It is submitted that the Examiner will find no such disclosure.